

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 2:</b> Administration of Child Welfare	<b>Effective Date:</b> September 1, 2008
	<b>Section 13:</b> Expungement of Records	<b>Version:</b> 1

<b>POLICY</b>	<b>OLD POLICY: 205.55</b>
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The Indiana Department of Child Services (DCS) will expunge substantiated allegations of child abuse or neglect contained within the Child Protection Index (CPI) as well as any other information specified in a court order within 10 working days when the substantiated child protection service (CPS) allegation is:

1. Reversed based upon a court decision that the alleged child abuse or neglect did not occur;
2. Reversed based upon an administrative appeal hearing decision; or
3. Considered by the juvenile court to lack any probative (significant) value and ordered expunged.

A court order for complete expungement of records regarding CPS Assessments declared unsubstantiated would include:

1. All hard copy records;
2. All electronic files, which would be located in the Intake, Assessment, and Case Management modules in the Indiana Child Welfare Information System (ICWIS).

After expungement, DCS will notify:

1. The prosecutor;
2. Law enforcement agency(ies);
3. The child's parent, guardian or custodian;
4. The person(s) named as perpetrator;
5. Other persons/agencies notified of the change in the CPS assessment status.

Information on unsubstantiated allegations is automatically purged by ICWIS 180 days from the date the completed assessment (investigation) Report is approved.

#### Code References

1. [IC 31-33-7-6.5 Expungement of child abuse or neglect information](#)
2. [IC 31-33-26-15 Expungement and amendment of records procedures](#)
3. [IC 31-39-8-4 Expungement of Records Concerning Delinquent Child or Child in Need of Services](#)
4. [IC 31-33-7-6.5 Receipt of Reports of Suspected Child Abuse or Neglect](#)
5. [IC 31-33-8-12 Classification of reports](#)

#### **PROCEDURE**

When the DCS local office receives a court order or administrative appeal hearing decision to expunge records, the Family Case Manager (FCM) or DCS local office designee will:

1. Determine the location of all records specified in the court order or in the administrative appeal hearing decision .
2. After review of the records to be expunged by the supervisor and agency attorney, destroy any written record, hardcopy or electronic, as specified in the court order for expungement. Shred the hard copy records and contact the ICWIS Coordinator to request that the specified electronic records in ICWIS be expunged.
3. In writing, notify the entities requiring notice of the change in the status of an Assessment as stated above.

The FCM Supervisor will:

1. Review the court order or administrative appeal hearing decision.
2. Consult with the FCM regarding the identification and location of all information to be expunged.
3. Provide this information to the DCS Local Office Attorney.

The DCS Local Office Attorney will:

1. Review the information that is to be expunged.
2. Provide input to the Supervisor.

#### **PRACTICE GUIDANCE**

N/A

#### **FORMS AND TOOLS**

1. Court order requiring expungement prior to specified State standard.
2. Sample Letter to be sent to identified alleged perpetrators, the child's parent, guardian or custodian and any agency that may have received a copy of the final report.
3. [Records Retention Schedule](#)

#### **RELATED INFORMATION**

##### **Expungement of Information Related to Unsubstantiated Allegations**

Information on unsubstantiated allegations is automatically purged by ICWIS 180 days from the date the completed assessment report is approved.

##### **Expungement of Information Related to Indicated Allegations**

Information on indicated allegations is purged in ICWIS 12 months after the date of the finding of "indicated" unless a new CA/N report is received by DCS that involves the same child/family/perpetrator. If a new CA/N report is received, the deadline for purging of the records is extended for 12 additional months from the date the new CA/N report is received. This process of extending the deadline for purging may occur multiple times if subsequent CA/N reports are received.